

# The Gainesville Sun

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## Student in jail for drugs is raped

The teen's cell mate faces battery charges.

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SUN STAFF WRITER

An Alachua County college student in jail on marijuana charges was raped over the weekend by his cell mate, a man already being held on sexual battery charges, authorities said Monday.

The 19-year-old student was serving four weekends in jail on charges of delivering marijuana, said Alachua County Sheriff's Sgt. Jim Troiano. Last weekend was the first weekend of his sentence.

His cell mate held a ballpoint pen to the teenager's neck at about 9 p.m. Friday and then forced himself on him, Troiano said. A member of the victim's family reported the incident to authorities on Saturday.

Jail detention officers, who check the cells at least once an hour, heard nothing and nothing was reported to them Friday, Troiano said.

Randolph Jackson, 35, was charged with sexual battery. Jackson has been in jail since July on charges of sexual battery in a different case that is still pending.

The two were put in a cell together because they were both charged with felonies, Troiano said. Also, there was very little room in the jail last weekend, Troiano added. There were 918 inmates and the jail's capacity is 920.

"If there was space available, absolutely we would rather keep our weekenders in a pre-designated area," Troiano said. "But because we don't have much space available we have to do with circumstances on hand."

Inmates are assigned to cells based on their charges, their history and other factors, he said.

These two inmates were being held in a two-man cell in pod 1-B. Inmates who are awaiting trial or who don't yet have a jail classification are kept in this section, Troiano said.

Jail officials don't house inmates who are charged with misdemeanors, which are less serious crimes, with those who have felony charges, he said.

Troiano said this was the first sexual battery reported at the jail in the memory of jail officials.

Jackson never showed any signs of having sexual tendencies toward other inmates, Troiano added. He has since been moved to his own cell.

# The Gainesville Sun

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## Officials: Overcrowding led to alleged jail rape

Tim Lockette  
Sun staff writer

Alachua County jail officials say overcrowding is largely to blame for the alleged rape of a 19-year-old University of Florida student serving a weekend sentence stemming from a marijuana charge.

But officials acknowledge they're reviewing the procedures that placed a nonviolent drug offender in the same 7-foot-by-8-foot cell as a man awaiting trial for sexual battery.

"It's truly a shame that this had to happen to someone who had no expectation other than spending 72 hours in the county jail," said Maj. Robert Chapman, director of the jail.



**Detention Officer Alex Brown shows the cell where a 19-year-**

On Monday, jail inmate Randolph Jackson, 35, was charged with the rape of a fellow inmate.

Jackson has been in the jail awaiting trial since July, when he was arrested for the alleged sexual battery of a southeast Gainesville woman. According to police reports, a man broke into the woman's house while she was sleeping, held a pair of scissors to her throat and raped her.

Since his arrest, Jackson has lived in the jail's B Pod, a wing dedicated to inmates held on felony charges. Most of B Pod's inmates are charged with violent crimes, but the pod is also used as a holding tank for felony inmates who haven't yet been assigned a place on one of the jail's other wings.

B Pod's inmates spend most of their time in one- or two-man cells. Inmates held on nonviolent crimes are usually placed in barracks-style accommodations elsewhere in the jail.

Jackson got a temporary cell mate Friday afternoon, when a South Florida drug court referred a 19-year-old UF student to the Alachua County jail for a weekend sentence. The student had been released on his own recognizance after being arrested on a felony charge of delivery of marijuana.

When he violated the terms of his release, the court ordered him to spend four weekends in jail.

The student reported for his first weekend of jail on Friday afternoon. But by the time he arrived, the jail already had 918 inmates - two short of the jail's total capacity. Jail officials say they knew he belonged in one of the open-barracks wings, but since those wings were already full, he went into a kind of administrative limbo - and into B Pod.

Jail officials say that during periods of overcrowding, it's common for nonviolent offenders to spend a little time in B Pod, where they are typically matched up with cell mates who don't appear to be a threat to other inmates. Jackson apparently met that description: except for a fight early in his jail time, officials say, he hadn't given jail officials any trouble.

"He seemed like a good inmate, and there was no reason to think anything bad would happen," said Lt. Jim Troiano, spokesman for the Sheriff's Office.

But something apparently did happen early Saturday morning. According to an arrest report, Jackson allegedly held a ballpoint pen to his cell mate's throat and raped him shortly after midnight, when inmates were supposed to be sleeping.

Jail officials say they knew nothing of the incident until Saturday, when the 19-year-old's family members reported it. Troiano said family members became concerned after the 19-year-old made "subtle" comments about the alleged incident during a Saturday morning phone call. Family members became alarmed, Troiano said, after Jackson took the phone and said "something that led them to conclude there was a problem."

Jackson was moved to a single-person cell after the incident was reported. His cell mate was taken to Shands at AGH for examination, and he acknowledged that Jackson had raped him. According to a police report, hospital officials said the 19-year-old's wounds were "consistent with (his) story."

Jackson's lawyer, a public defender, could not be reached for comment Tuesday. Jackson's alleged victim - who was released from jail Sunday - did not answer calls to his Gainesville home.

Chapman says no one at the jail violated standard procedure in placing the 19-year-old in B Pod. He said jail officials are in the process of reviewing their rules for admitting inmates. But they'll have few options, he said, if the jail's population remains near capacity.

Jail officials say that ideally, the jail should never house more than 782 inmates - or 85 percent of the jail's capacity. With a 15 percent vacancy, jail officials say, they'll rarely have trouble finding safe accommodations for new inmates.

When the last addition to the jail was completed in 1994, the jail's population hovered around 450. Statistics for the first four months of 2003 show average daily populations between 800 and 900 inmates.

County officials have long been aware that the jail is growing more crowded. A plan to build a new pod for the jail has been on the county's wish list of projects since the late 1990s - but with county government facing deficits already this year, funding for that wing could take years to materialize.

County Manager Randy Reid said he and other officials are working on alternative options - including early release and alternative-sentencing programs - that could reduce the jail population.

But one anti-prison-rape activist says corrections officials tend to focus too much on overcrowding as the cause of rape in prison.

"The statement that overcrowding is the cause of the problem has become a kind of cop-out," said Alex Coolman, spokesman for Stop Prisoner Rape, a Los Angeles-based advocacy group.

"You should never house a nonviolent criminal with a violent criminal," Coolman said. "That should send up a red flag that something's not being done right here."

Coolman says no one has ever done a comprehensive nationwide study on prisoner rape, though one Midwestern state prison study suggests that as many as 20 percent of prisoners are raped at some point in their sentence. Rape in county jails is far more rare, Coolman said.

"Anecdotally, people who work in jails tell us that it's fairly uncommon," he said. "Most people know they're going to be out in less than a year, and that changes their behavior."

# The Gainesville Sun

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## Jail gets flak over policy

By TIM LOCKETTE  
Sun staff writer

Alachua County jail officials are facing mounting criticism over the alleged rape of a nonviolent inmate who was placed in the same cell as a man with a history of threatening other inmates and who was awaiting trial on a sexual battery charge.

Jail officials said earlier this week that jail overcrowding was largely to blame for the incident. But County Manager Randy Reid said Friday that the jail appears to have a flawed system for sorting incoming inmates.

"This appears to be an issue of poor classification," Reid said. "You have to ask yourself whether it's ever appropriate to put a first-time offender in a cell with someone who has a history of assaults."

Jail officials say they're still investigating a Saturday incident in which a 19-year-old University of Florida student serving a weekend sentence on a marijuana-related charge was allegedly raped by his cellmate. The jail is run by the Alachua County Sheriff's Office, which is funded by county government.

"We're reviewing what policies we have in place, and if those policies aren't working, we'll fix them," said Sgt. Keith Faulk, a spokesman for the Sheriff's Office.

The 19-year-old was admitted to the jail June 6 to serve the first weekend of a four-weekend sentence imposed on him after he missed a meeting required as part of a court-ordered rehab program. The teen was arrested in Broward County in May on charges of delivering marijuana, a felony. He had 30 grams - or about an ounce - of marijuana in his possession at the time of the arrest.

The teen 19-year-old spent the first night of his sentence in a 7-by-8-foot cell with Randolph Jackson, 35, who has been in jail since July 2002 awaiting trial on a sexual battery charge.

In the early morning hours of June 7, Jackson allegedly held a ballpoint pen to the teen's throat and raped him. Jail staff did not know about the incident until later in the day, when the 19-year-old's family members, alarmed by comments he made during a telephone conversation, called to report it, jail officials said.

Jackson was charged with sexual battery Monday in connection with the incident.

It is not Jackson's first time before a judge. Since 1984, Jackson has been in and out of state prisons on charges ranging from grand theft to aggravated assault. He had been out of county jail just two months before his July 2002 arrest for the sexual battery of a southeast Gainesville woman. According to police reports, Jackson allegedly broke into the woman's house, held a pair of scissors to her throat, and raped her.

The mother of the July 2002 rape victim, whose name is being withheld to avoid identifying the victim, questioned the wisdom of putting Jackson in the same cell with the teen19-year-old.

"I don't see how they could have put anybody in that cell with him, knowing what he did to my daughter right after he got out of jail," she said.

"They had his record, and they had to know this guy was dangerous," she said. "He should have been in a cell by himself."

Sheriff's Office officials say the 19-year-old would normally have been sent to an open-barracks wing where nonviolent felony inmates are usually assigned. But because the jail was near capacity, and the open-barracks wing full, jail officials say he was sent to B Pod, a wing composed of one-man and two-man cells that house mostly inmates charged with violent felonies.

Sheriff's Office officials say that it is not uncommon for nonviolent inmates to spend time in B Pod, where they are matched with cellmates who appear to pose little risk of violence.

Faulk said he couldn't offer an estimate of just how often nonviolent inmates go into B-Pod - but he said he "wouldn't be surprised if someone's going in there this weekend."

On Tuesday, Sheriff's Office officials had said Jackson had a clean disciplinary record, with the exception of a fight early in his sentence. Later in the week, Sheriff's Office spokesman Lt. Jim Troiano said Jackson had been disciplined in November 2002 for talking back to a corrections officer, and had been reported to jail staff twice in February for making threats against other inmates.

Troiano said an error by jail staff likely kept that information from surfacing Tuesday.

"Our statements on Tuesday were based on the information we received from jail staff," he said.

Three barracks-style dormitories at the jail are set aside for nonviolent male felony inmates. Together, they have a total of 244 beds.

Jail records show a total of 18 beds available in those dormitories on the morning of June 6, the day the alleged rape victim was admitted to the jail. Records from the morning of June 7 again show 18 beds available in those dormitories.

But that doesn't mean 18 beds were open when the victim signed in at 2 p.m., Faulk said. A large number of weekend inmates enter the jail on Friday afternoon, he said, and other nonviolent inmates leave on bail at all hours of the night.

"It's like a motel," Faulk said. "You've got people coming in and out all the time."

The 19-year-old's lawyer says his client - listed in jail records as 5-foot-1 and weighing 150 pounds - should never have been in a cell with Jackson, described in jail records as 5-foot-5 and weighing 170 pounds.

"Anybody who looks at these two people is going to tell you that you don't want to put a nonviolent first offender on a drug charge in the same cell with a man with a long history of violence," said Robert Rush, the alleged rape victim's attorney.

Troiano said the department's Office of Professional Standards is investigating the incident. He said investigators would review the jail's procedures for admitting inmates - and look into whether someone violated those procedures in placing the 19-year-old in the cell with Jackson.

Asked whether Jackson's prior history should have sent up "red flags" to jail staff, Troiano declined comment. "It wouldn't be right to speculate on that while an investigation is ongoing," he said.

The 19-year-old won't be returning to the Alachua County jail this weekend, according to his lawyer. Rush said a drug court suspended his jail sentence Friday afternoon, sending him back into a rehab program. "He's been punished enough," Rush said.

Jackson's lawyer, a public defender, could not be reached for comment.



# The Gainesville Sun

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## Attorney: Jail gave suspect privileges

The attorney represents a UF student allegedly raped in jail by cellmate Randolph Jackson.

Tim Lockette  
Sun staff writer

The attorney for a teen who says he was raped in the Alachua County Jail claims his client's alleged attacker was a "quasi-trustee" who was given special privileges by jail staff despite a spotty disciplinary record.

"He was the dorm master, everyone in the pod will tell you," said Gainesville lawyer Robert Rush. "He was given privileges he shouldn't have had, and that's why this happened."

Rush is representing a 19-year-old University of Florida student who was allegedly raped in the jail June 7, while serving the first weekend of a four-weekend sentence after missing a meeting in a court-ordered drug rehab program. The 19-year-old was ordered into the program after being arrested in Broward County on a charge of delivery of marijuana, a felony.

On his first night in jail, the 19-year-old shared a cell with Randolph Jackson, 35, who was awaiting trial on a charge of sexual battery against a southeast Gainesville woman. The next day, the 19-year-old told Sheriff's Department investigators Jackson had raped him, according to police reports.

A few days later, jail officials said overcrowding at the 920-bed facility was largely to blame for the incident. They said the 19-year-old had been placed in B-Pod - a section devoted to felony inmates charged with violent crimes and felony inmates who have yet to be assigned a permanent place at the jail - because jail beds devoted to nonviolent felons were full.

Rush says jail official should have known better than to put a nonviolent offender in a cell with Jackson, who since 1984 has been in and out of the state prison system on charges including aggravated assault.

And now Rush says he has testimony from B Pod inmates linking Jackson to at least three other rapes. And he says jail staff on some shifts treated Jackson like an unofficial trustee, allowing him to roam B Pod when other inmates were in "lockdown," or confined to their cells.

"There was complete indifference to this man's record and the danger he posed to other inmates," Rush said.

Jackson's attorney, Gainesville lawyer Karin Moore, could not be reached for comment on the case, and a staffer in Moore's office said she would not comment on a pending case. Until this week, Jackson was being represented in the case by a lawyer in the public defender's office.

The Alachua County Sheriff's Office is conducting an internal investigation into the rape. Sheriff's Office spokesman Lt. Jim Troiano would not comment on Rush's allegations, saying he would not speculate about an ongoing investigation.

Troiano said no other instances of rape have been reported to jail officials before the Jun. 7 incident.

Meanwhile, crowding continues to be a problem at the jail. Jail records show the population above the jail's 920-bed capacity for at least five days this month, with the population peaking at 942 inmates on Tuesday.

Corrections officer George Strickland, who has worked at the jail since 1988, says the population problem is getting out of hand, and hopes jail officials will hire more staff to deal with the problem.

"I'm concerned about the amount of people in there," said Strickland, who works in H Pod, a wing devoted to felony inmates. "They get cramped in there, and tempers flare, and something could happen."

Strickland, who stressed that he was offering his personal opinion and not speaking as a jail representative, said he didn't believe Rush's allegations that Jackson received special treatment from jail staff.

"That would never happen," Strickland said. "The officers at the Alachua County Jail do an outstanding job."